

### Remarks

Applicants have carefully considered the Office Action of October 13, 2010 and the references cited therein. Applicants hereby request reexamination and reconsideration of the application.

Applicants have amended the specification to overcome the Examiner's objections.

#### I. THE 35 U.S.C. 112 REJECTION

Claims 1 and 10 have been amended. Specifically, claim 1 now recites "requesting assets associated with the asset terms and effects associated with the effect terms in the description" and "modifying at least one asset associated with an asset term in the description according to at least one effect associated with an effect term in the description" (claim 1, lines 5-8). Claim 10, has been similarly amended (claim 10, lines 6-9). As noted previously, "effect terms" are constructs of the instruction set up a markup language which are different from "asset terms". Support for these amendments is illustrated in Figure 6 of the subject application and its accompanying description. Specifically, Figure 6 of the subject application shows an example of such a description, with asset term 200 and an effect term 202. In this embodiment, the effect term includes a location component, but the principle is that the assets 206 and 208 associated with the asset term 200 will be modified by the effect 210 (associated with the effect term 202). This system provides great flexibility in the provision of the augmentation to the end user, and does not require any user intervention. By allowing assets and effects to interact, a much greater variety of end results are possible, as any new asset or any new effect can be merged with a very large number of existing effects or assets to create a multiple new set of outputs.

## II. Claim Rejections – 35 USC 102(b)

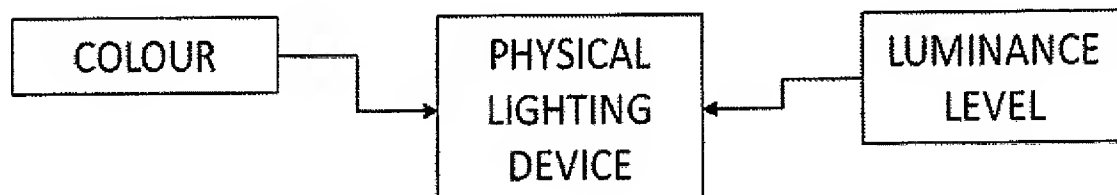
Although not set forth explicitly in the office action, Applicant is presuming that the examiner has maintained the rejection of Claims 1-15 under 35 U.S.C. 102(b) as being anticipated by Eves et al., hereafter Eves US 2002/0169817. Applicants respectfully traverse the rejection of claims 1-15 in their current form as anticipated by Eves US 2002/0169817. The notwithstanding the rejection of the claims, the office action never identifies what disclosed in Eves US 2002/0169817 is analogous to the recited the *asset* and *effect* in claim 1. Essentially, the Examiner's position is that the real-world experiences created by the system disclosed in Eves US2002/0169817 are essentially "effects", however, there is no teaching or disclosure of "effects terms" within the instruction set the markup language in the reference, and, further still, no teaching or disclosure of "effects" which are capable of modifying assets, as recited in claim 1. As such, applicants respectfully assert that currently pending claims are not anticipated by Eves US 2002/0169817 because Eves US 2002/0169817 fails to disclose a division between assets and effects and the interaction between the assets and effects prior to any operation of a device in the set of devices.

As disclosed and claimed in the subject application, there is distinction between assets and effects in the description that is used to operate the set of devices. The office action implies that this distinction is simply a matter of labelling and that Eves US 2002/0169817 discloses assets and effects, even if they are not labelled as such, using the specific example of "light could be a state of asset term in XML, as well as the colours and luminance level could be state of effect term in XML, and the effect of colours and luminance level are used to modify the asset of light". Applicants respectfully assert that such position is a hindsight view of Eves US 2002/0169817 and attempts to read into that document features that are not actually present within the disclosure of the document. Claim 1, as amended, states "the description including asset terms and effects terms" and "requesting assets and effects according to the terms in the description". As such, there is distinction between a *term* in the description and the underlying *asset* or *effect* that being requested. Thereafter, at least one asset is modified by at least one effect.

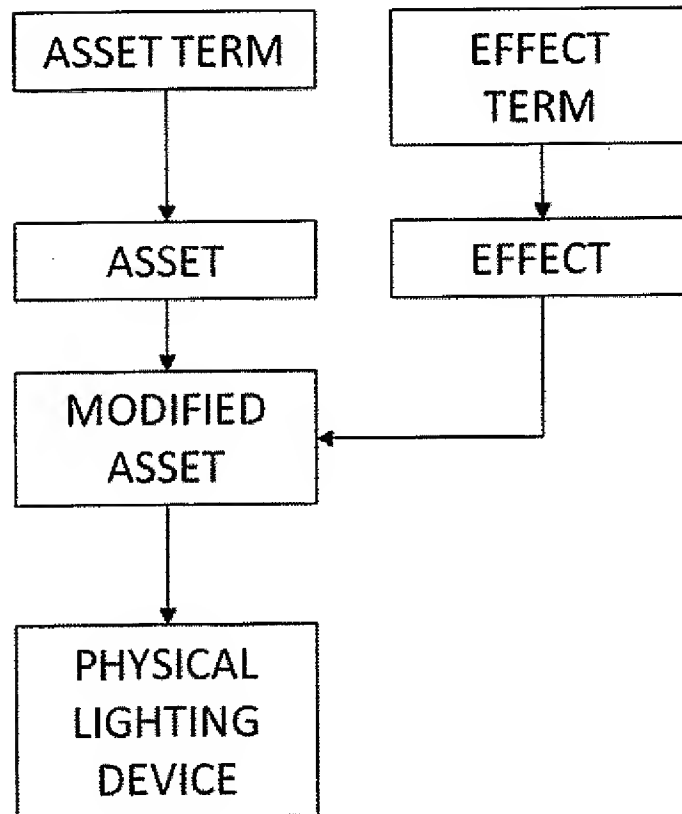
If Eves US 2002/0169817 disclosed such process, as alleged by the Examiner's above example, then an asset for light would be modified by a colour or luminance effect. Indeed the Examiner states "modify the asset of light" in the passage quoted above. However, the Examiner is reading this feature into the document. There is no disclosure of an *asset* being modified. Eves US 2002/0169817 discloses that, given the existence of a physical light, different colour and luminance levels can be applied in combination. However, the claims of the present application recite a process of modification that occurs higher up in the control process.

The following diagrams illustrate the difference between the two solutions:

Eves US 2002/0169817



Subject application:



The statement in the office action that “the effect of colours and luminance level are used to modify the asset of light” impermissibly reads back the process of the subject application into Eves US 2002/0169817. The four rows of the second flowchart correspond to the four method steps of claim 1 “receiving description”, “requesting assets and effects”, “modifying an asset with an effect” and “operating device according to the modified assets.”

In Eves US 2002/0169817, the examiner has not shown what is taught or suggested as the asset that is requested according to the language of claim 1. The discussion in the

office action of "the asset of light" has no meaning within the context of the Eves US 2002/0169817 specification. No such term is used in Eves US 2002/0169817. Claim 1 specifies requesting an asset according to the terms of the description. To suggest that Eves US 2002/0169817 teaches that an asset "light" is requested is without support. Eves US 2002/0169817 teaches that you can operate a light and you can apply colour tones and luminance values to that light. If it is the Examiner's position that "colour" is an asset and "luminance" is an effect then it must be a disclosure or suggestion in EVES US 2002/0169817 that the luminance modifies the colour before the lighting device is operated. EVES US 2002/0169817, however, does not disclose such teachings. As per the prior art diagram above, the values associated with terms are individually applied to the devices in the set of devices. There is no asset modified by an effect in Eves US 2002/0169817.

Eves US 2002/0169817 does not disclose how terms in the description get translated into the actual device commands, a concept addressed by the subject application recited claims and which provides the intermediary of the assets and effects and operates to modify some assets by some of the effects, providing much greater flexibility than is provided by the system of Eves US 2002/0169817.

The method as claimed in claim 1, provides a description that includes within it both asset terms and effect terms. These terms are used to request assets and effects, and *the effects modify the assets*. Some parts defined by the description (the effects) are modifying other parts defined by the description (the assets), without any external input. Figure 6 of the present application shows an example of such a description, with asset term 200 and an effect term 202. In such embodiment, the effect term includes a location component, but the principle is that the assets 206 and 208 associated with the asset term 200 will be modified by the effect 210 (associated with the effect term 202). The improved system provides great flexibility in the provision of the augmentation to the end user, and does not require any user intervention. By allowing assets and effects to interact, a much greater variety of end results are possible, as any new asset or any

new effect can be merged with a very large number of existing effects or assets to create a multiple new set of outputs.

In light of the foregoing, applicant respectfully asserts that claim 1 and its respective dependent claims are not anticipated by Eves US 2002/0169817. Claim 15 includes limitations similar to claim 1, along with its respective dependent claims, are is likewise believed not anticipated by Eves US 2002/0169817 for substantially the same reasoning.

## II. CONCLUSION

Any amendments to the claims as set forth herein, including the modification, addition, cancellation, or withdrawal of any claims, have been offered to advance this application to issue. None of the amendments made herein should be construed as an admission that the subject matter of the claims, as originally filed, is anticipated by or made obvious in light of any art of record whether considered singularly or in combinations. Applicants expressly reserve the right to pursue the originally filed claims in another co-pending application without being prejudiced by any amendments, including cancellation of claims, made herein.

Applicants believe the claims are in allowable condition. A notice of allowance for this application is solicited earnestly. If the Examiner has any further questions regarding this amendment, he/she is invited to call Applicant's attorney at the number listed below.

The Examiner is hereby authorized to charge any fees or credit any balances under 37 CFR §1.17, and 1.16 to Deposit Account No. 03-2410.

Respectfully submitted,  
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